



STATE OF NEW YORK DEPARTMENT OF HEALTH

Coming Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12242

Dennis P. Whalen
Executive Deputy Commissioner

June 23, 1999

John B. Wingate, Commissioner
Suffolk County Department of
Social Services
3085 Veterans Memorial Highway
Ronkonkoma, New York 11779

Dear Commissioner Wingate:

I am responding to your letter dated April 21, 1999, regarding the provision of in-school nursing services. In your letter, you referred to the Supreme Court decision in Garrett v. Cedar Rapids, which ordered the school district in Iowa to provide in-school nursing services.

The Garrett v. Cedar Rapids case requires school districts, in ensuring a free and public education to disabled children, to arrange for necessary medical services without requiring such children to utilize their private health insurance to pay for such services. It does not stand for the proposition that the school district must pay for such services without resort to the Medicaid program.

On the contrary, the Individuals with Disabilities Education Act (IDEA) and its implementing regulations make clear that Medicaid cannot refuse payment for Medicaid-covered services provided to otherwise eligible children simply because such services are provided in a school context. Therefore, Suffolk County should continue to prior approve nursing services for these children, including services received while attending school. If you have any additional questions regarding this letter, please contact Sandy Hamm, of my staff, at (518) 473-2237.

Sincerely,


Donna B. Farlow, Deputy Director
Office of Medicaid Management

